

“(3) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING OR OVERRIDING RIGHTS AND REMEDIES OR REQUIRING ARBITRATION OF DISPUTES.—

“(A) WAIVER OF RIGHTS AND REMEDIES.—Except as provided under subparagraph (C), the rights and remedies provided for in this section may not be waived by any public or private agreement, policy, form, or condition of employment, including by any predispute arbitration agreement.

“(B) PREDISPUTE ARBITRATION AGREEMENTS.—Except as provided under subparagraph (C), no predispute arbitration agreement shall be valid or enforceable if it requires arbitration of a dispute arising under this section.

“(C) EXCEPTION FOR COLLECTIVE BARGAINING AGREEMENTS.—Notwithstanding subparagraphs (A) and (B), an arbitration provision in a collective bargaining agreement shall be enforceable as to disputes arising under the collective bargaining agreement.

“(4) REQUIREMENT TO POST NOTICE OF RIGHTS AND REMEDIES.—Any non-Federal employer receiving covered funds (and the head of the applicable agency in the case of a Federal personal services contract involving covered funds) shall prominently post notice on its website and to each employee of the rights and remedies provided under this section, in the predominant native languages of the workforce.”; and

(8) in subsection (g)—

(A) in paragraph (1), by striking “that is inconsistent” and all that follows through the period at the end and inserting “by a contracting officer or employee that adversely affects the rights of any individual, or that results in personal gain or advantage to the officer or employee or to preferred other individuals.”;

(B) by redesignating paragraph (2) as paragraph (5);

(C) by inserting after paragraph (1) the following new paragraphs:

“(2) The term ‘coronavirus pandemic-related program, project, or activity’—

“(A) means a program, project, or activity of the executive branch of the Federal Government authorized under or carried out using amounts made available under an Act to respond to or to provide aid or assistance to address, relief from, or funding to address the outbreak of COVID-19 that is enacted before, on, or after the date of enactment of this paragraph; and

“(B) includes any program, project, or activity of the executive branch of the Federal Government authorized under or carried out using amounts made available under—

“(i) the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139), or an amendment made by that Act;

“(ii) the CARES Act (Public Law 116-136), or an amendment made by that Act;

“(iii) the Families First Coronavirus Response Act (Public Law 116-127), or an amendment made by that Act;

“(iv) the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116-123), or an amendment made by that Act; or

“(v) division M or N of the Consolidated Appropriations Act, 2021 (Public Law 116-260), or an amendment made by that division.

“(3) The term ‘covered funds’ means any contract, subcontract, grant, subgrant, loan, loan guarantee, or other payment for which—

“(A) the Federal Government provides any portion of the funds or property that is provided, requested, or demanded; or

“(B) any portion of the funds are appropriated or otherwise made available under or to carry out a Coronavirus pandemic-related program, project, or activity.

“(4) The term ‘employee’—

“(A) except as provided under subparagraph (B), means an individual performing services on behalf of an employer, including any individual working for an employer under a grant or contract with such employer (including a contractor, subcontractor, grantee, subgrantee, or agent of an employer); and

“(B) does not include any Federal employee or member of the uniformed services (as that term is defined in section 101(a)(5) of title 10).”; and

(D) by inserting after paragraph (5), as redesignated by subparagraph (B), the following new paragraphs:

“(6) The term ‘non-Federal employer’—

“(A) means any employer—

“(i) with respect to covered funds—

“(I) the contractor, subcontractor, grantee, subgrantee, or recipient, as the case may be, if the contractor, subcontractor, grantee, subgrantee, or recipient is an employer; and

“(II) any professional membership organization, certification or other professional body, any agent or licensee of the Federal Government, or any person acting directly or indirectly in the interest of an employer receiving covered funds; or

“(ii) with respect to covered funds received by a State or local government, the State or local government receiving the funds and any contractor or subcontractor of the State or local government; and

“(B) does not mean any department, agency, or other entity of the Federal Government, except with respect to a personal services contractor.

“(7) The term ‘protected individual’ means—

“(A) a contractor, subcontractor, grantee, or subgrantee; or

“(B) an employee, applicant or former employee of a contractor, subcontractor, grantee, or subgrantee; or

“(C) a personal services contractor who engages in activity for which any discrimination is prohibited under subsection (a).

“(8) The term ‘State or local government’ means—

“(A) the government of each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States; or

“(B) the government of any political subdivision of a government listed in subparagraph (A).”.

(C) COMPLAINT PORTAL.—The Special Inspector General for Pandemic Relief, the Pandemic Relief Accountability Committee, and the Congressional Oversight Commission shall each establish a public website where any individual who believes that the individual has been subjected to a reprisal prohibited under subsection (a) of section 2409 of title 10, United States Code, or subsection (a) of section 4712 of title 41, United States Code, as amended by subsections (a) and (b), respectively, of this section, may submit a complaint regarding the reprisal. Any complaint so submitted shall be transmitted to the relevant Office of Inspector General for enforcement in accordance with such sections, including notice to the complainant of the referral and relevant procedures.

SA 3900. Mr. WARNOCK submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and

for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 2831. CONSIDERATION OF PUBLIC EDUCATION WHEN MAKING BASING DECISIONS.

(a) IN GENERAL.—Section 2883 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) is amended—

(1) by redesignating subsections (e) through (j) as subsections (f) through (k), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) EDUCATION.—

“(1) IN GENERAL.—With regard to a military housing area in which an installation subject to a basing decision covered by subsection (a) is or will be located, the Secretary of the military department concerned shall take into account the extent to which high-quality public education is available and accessible to dependents of members of the Armed Forces in the military housing area by comparing progress of students served by relevant local educational agencies described in paragraph (4) under the statewide accountability system described in section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) as compared to the progress of all students in such State under such system.”.

“(2) PUBLICATION OF DATA.—The Secretary of the military department concerned shall make the data used in carrying out paragraph (1) available to the public in a manner that ensures that States and communities can understand the process for making decisions under such paragraph.

“(3) CONSULTATION.—In carrying out paragraph (1) with respect to an installation subject to a basing decision covered by subsection (a), the Secretary of the military department concerned shall consult with and seek input from leadership and education liaisons for the installation and State, local, and Tribal education agencies.

“(4) RELEVANT LOCAL EDUCATIONAL AGENCIES DESCRIBED.—Relevant local educational agencies described in this paragraph include—

“(A) local educational agencies that serve dependents of members of the Armed Forces in the State in which the military housing area described in paragraph (1) is located; and

“(B) local educational agencies in such State that serve or would be likely to serve a significant number or percentage of dependents of members of the Armed Forces in the military housing area described in paragraph (1) as determined by the Secretary of the military department concerned, in consultation with the education liaisons for the installation described in such paragraph.”.

(b) CONFORMING AMENDMENT.—Subsection (a) of such section is amended by striking “subsection (e)” and inserting “subsection (f)”.

SA 3901. Mr. WARNOCK submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: